

(5) A statement as to such liens or other encumbrances as the city is informed and believes are encumbrances upon said real estate and can by reasonable diligence be ascertained.

(6) A prayer that there be a determination of just compensation in accordance with the provisions of this Article.

The filing of said complaint shall be accompanied by a deposit of the sum of money estimated by said city to be just compensation for said taking and upon the filing of said complaint and deposit of said sum, summons shall be issued and together with a copy of said complaint and notice of deposit be served upon the person named therein in the manner now provided for the service of process in civil actions. The city may amend the complaint, may increase the amount of its deposit with the court at any time while the proceeding is pending and the owner shall have the same rights of withdrawal of this additional amount as set forth in Section 5.47 of this Article.

"Section 5.46. Vesting of title and right of possession; recording memorandum or supplemental memorandum of action. Upon the filing of a complaint and deposit in court, to the use of the person entitled thereto, of the amount of the estimated compensation stated in the notice of deposit, title to said land or such other interest therein specified in the complaint, together with the right to immediate possession thereof, shall vest in the city and the judge shall enter such orders in the cause as may be required to place the city in possession. Said land shall be deemed to be condemned and taken for the use of the city and the right to just compensation therefor shall vest in the person owning said property or any compensable interest therein at the time of the filing of the complaint and deposit of the money in court; and compensation shall be determined and awarded in said action and established by judgment therein.

At the time of the filing of the complaint and deposit of estimated compensation, city shall record a memorandum of action with the Register of Deeds and said memorandum shall be recorded among the land records of Gaston County. Upon the amending of any complaint affecting the property taken, the city shall record a supplemental memorandum of action. The memorandum of action shall contain:

(1) The names of those persons who the city is informed and believes may have or claim to have an interest in said lands and who are parties to said action;

(2) A description of the entire tract or tracts affected by said taking sufficient for the identification thereof;

(3) A statement of the estate or interest in said land taken for public use; and

(4) The date of institution of said action and such other reference thereto as may be necessary for the identification of said action.

"Section 5.47. Disbursement of deposit. A person named in the complaint may apply to the court for disbursement of the money deposited in the court, or any part thereof, as full compensation, or as a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation. Upon such application, the judge shall, unless there is a dispute as to title, order that the money deposited be paid forthwith to the person entitled thereto in accordance with the application. The judge shall have power to make such orders with respect to encumbrances, liens, rents, taxes, assessments, insurance and other charges, if any, as shall be just and equitable.

No notice to the city of the hearing upon the application for disbursement of deposit shall be necessary, but a copy of the order disbursing the deposit shall be served upon the city manager.